

**Agreement between the Government of the United States of America
and the Government of Democratic Socialist Republic of Sri Lanka
regarding the surrender of persons to the International Criminal Court**

The Government of the United States of America and the Government of Democratic Socialist Republic of Sri Lanka Sri Lanka, hereinafter "the Parties,"

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes, Recalling that the Rome Statute of the International Criminal Court done at Rome on July 17, 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court is intended to complement and not supplant national criminal jurisdiction, Considering that the (Parties have each) expressed (their) intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by its officials, employees, military personnel or other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

1. For purposes of this agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.
2. Persons of one Party present in the territory of the other shall not, absent the expressed consent of the first Party,
 - (a) Be surrendered or transferred by any means to the International Criminal Court for any purpose, or
 - (b) Be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.
3. When the United States extradites, surrenders, or otherwise transfers a person of the other Party to a third country, the United States will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the expressed consent of the Government of Sri Lanka.
4. When the Government of Democratic Socialist Republic of Sri Lanka extradites, surrenders, or otherwise transfers a person of the United States of America to the third country, the Government of Democratic Socialist Republic of Sri Lanka will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the expressed consent of the Government of the United States.

5. Each Party agrees, subject to its international legal obligations, not to knowingly facilitate, consent to, or cooperate with efforts by any third party or country to effect the extradition, surrender, or transfer of a person of the other Party to the International Criminal Court.

6. Any disputes or disagreements regarding interpretation or application of this agreement shall be resolved by consultation between the Parties and shall not be referred to any third party or international tribunal for settlement.

7. This Agreement shall enter into force upon an exchange of notes confirming that each party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring or any allegation arising before the effective date of termination.



E. Ashley Wills
U.S. Ambassador to Sri Lanka
for the Government of the
United States of America

Dated: November 22, 2002

[at Colombo]



Tyronne Fernando P.C.
MP, Minister of Foreign Affairs
for Government of Democratic
Republic of Sri Lanka

Dated: November 22, 2002

[at Colombo]